

DuPont Poisoned Cape Fear River With PFAS, Suit Says

By **Travis Bland**

Law360 (July 5, 2023, 2:59 PM EDT) -- Chemical giant DuPont and other related companies are being accused of knowingly dumping toxic, cancer-causing chemicals in a North Carolina river for decades in a negligence lawsuit filed in federal court.

DuPont, Chemours and Corteva chemical companies were summoned to court Wednesday to answer a lawsuit filed June 30 by New Hanover County resident Eric Conklin that alleges the companies poisoned Cape Fear River with a group of chemicals known as PFAS, GenX and Nafion byproducts from a plant in Fayetteville, causing higher rates of severe illnesses in counties downriver of the plant.

The companies "discharged GenX and other PFAS at the [plant] knowing they were extremely dangerous and that even exceedingly small doses could cause" a host of diseases, Conklin said. The companies "discharged these chemicals into the air and water surrounding the [plant] simply to avoid the expense of taking safety precautions."

For years, DuPont diluted the chemicals in the plant's wastewater treatment facility and sent that contaminated water into Cape Fear River, the complaint said. Diluting the chemicals didn't take them out of the water, but made them harder to detect.

In 2016, a North Carolina State University study found PFAS and GenX in water near the plant, according to the lawsuit. The concentrations of GenX were more than four times the state's legal limits. Testing in following years found that people living near the plant had higher levels of the chemicals in their bodies than those living elsewhere, and that vegetables grown nearby contained the chemicals, the complaint said.

The complaint linked the chemicals to higher rates of liver disease, testicular cancer, kidney cancer and pancreatic cancer in Bladen, Brunswick, Pender and New Hanover counties, which get drinking water from Cape Fear River.

Conklin has been diagnosed with kidney cancer, and his property has lessened in value because of the water contamination, the complaint said.

The lawsuit also accused DuPont of creating Chemours and Corteva to shield itself from paying out for the environmental and human harm it has caused with its chemicals.

Conklin brought claims of negligence, nuisance, trespass to chattels and real property, unjust enrichment, fraud and others. He asked for an unnamed amount in damages and interest.

DuPont, Corteva and Chemours, as well as counsel for Conklin, did not immediately respond to requests for comment Wednesday.

Conklin is represented by Nevin Wisnoski, Paul J. Napoli and Andrew W. Croner of Napoli Shkolnik PLLC.

Counsel information for the defendants was not immediately available.

The case is Conklin v. Corteva Inc. et al., case number 7:23-cv-01114, in the U.S. District Court for

the Eastern District of North Carolina.

--Editing by Caitlin Wolper.